

## REMARKS

The Applicant has noted the withdrawal of the objection and rejection of claim 46.

Claims 44-46 were provisionally rejected for double patenting over claims 1, 2 4, 11, 15, 16, 19 and 24 of Serial No. 10/482,538 in view of Rosenkrantz. No claims have been allowed in Serial No. 10/482,538 and for this reason, the present rejection is premature and should be withdrawn pending the indication of allowable subject matter in Serial No. 10/482,538.

Claims 44-46 were rejected under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention.

In response, claim 44 has been amended to substitute the term "porous ceramic flooring or lining material" for the term "porous substrate" in order to avoid the objection that there is a lack of an antecedent basis for the deleted term. To avoid the use of step B twice in claim 44, the second occurrence has been revised to read as step C. For these reasons, it is requested that this ground of rejection be withdrawn.

It has been noted that the rejections for anticipation have all been withdrawn.

Claims 44-46 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sokol in view of Hayes.

Reconsideration is requested.

Claims 44-45 point out a method for the decoration of a coloring composition which comprises a the application of a hardenable resin with a colorant material to a porous ceramic flooring or lining material.

The claimed method result in a decorated flooring or lining or material which cannot be easily attacked by external agents and will allow for the easy and rapid removal of stains from the surface. The hardenable layer penetrates the surface pores and when removed according to step (C) will leave only the

colorant composition sealed in the pores with the hardened resin. Step (C) of amended claim 1 produces a surface which is colored and stain resistant.

Sokol only discloses a coating composition for coating exterior a wooden structure or a porous exterior structures made from wood, concrete, stone and ceramics. Sokol only seals and coats the surface and does not mention the removal of all or a portion of the coating. Step (C) of amended claim 44 is not suggested by Sokol.

Hayes which has been applied as making obvious the removal of a part of a coating, discloses a process of preparing a ceramic/polymer composite which comprises the immersion of a porous ceramic body in an epoxy under a vacuum. The impregnated ceramic body is then accurately polished using a sequence of grinding steps. The grinding sequence results in the removal of the excess epoxy and a portion of the surface of the ceramic body. The ceramic body used by Hayes are three dimensional objects that have "complicated shapes" (col. 1, lines 30-31) which do not suggest the application of any type of treatment to a flat surface such as the floor recited in claim 44. Claim 45 points out a photocurable resin which is not disclosed or suggested by Sokol or Hayes.

The polishing step of Hayes is different from step C) of claim 44 in the use of a scraper which as pointed out in claim 44, removes "the hardened coloring layer on the surface without removing the hardened composition that penetrates the pores of said ceramic substrate".

Nothing in Hayes suggests the selective removal of a layer from the surface which leaves the pore and colorant composition within the pore. There is no suggestion in Hayes that a flooring material or any material in fact can be **colored** with a hardenable resin composition that is selectively removed. The product of the claimed invention is a stain resistant colored flooring which is not made obvious by Hayes and Sokol.

Hayes described the product of his invention as being "substantially impregnated with epoxy uniformly throughout the fine pore distribution of the sample".

This is only possible with the 20-80% gluten green body that Hayes fires before treating with the epoxy resin. The fired green body of Hayes is extremely porous because of the removal of the gluten during firing in a sintering furnace and cannot be considered as being suggestive of a flooring material because the porosity of these green bodies as well as the complicated shapes. For these reasons, it is requested that this ground of rejection be withdrawn.

Claims 44-46 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kuno in view of Curtiss et al. (Curtiss) further in view of Hayes..

Reconsideration is requested.

Curtiss is concerned with the dip coating of a layer of a resist material on a surface as a part of a photolithographic process. There is no mention of the color coating of a porous surface with the subsequent removal of the coating material without removal of the material from the pores. Nothing in the Kuno disclosure suggests removal step C) of claim 44. The polishing and grinding steps of Hayes are different from step C) of claim 44 because of the use of a scraper which as pointed out in claim 44, removes "the hardened coloring layer on the surface without removing the hardened composition that penetrates the pores of said ceramic substrate". Thus neither Curtiss nor Kuno nor Hayes alone or in combination make obvious the method as defined by the amended claims. For these reasons, it is requested that this ground of rejection be withdrawn.

Claims 44-46 were rejected under 35 U.S.C. §103(a) as being unpatentable over Desobry in view of Hayes.

Reconsideration is requested.

The Desobry patent describes the coating of all types of substrates with a photocurable composition where the finished product has the coating composition on the surface. There is no mention or suggestion of the removal of the coating composition from the surface as set forth in amended claim 1, step C). The Hayes patent has been distinguished from claims 44-46 above and that reference is silent as to the treatment of flooring and photocuring. The complex shapes made by Hayes as well as

the porosity of the objects that Hayes describes as being made by the removal of the high gluten content during sintering demonstrates that this reference alone or in combination with Desobry does not make the claimed subject matter obvious. For these reasons, it is requested that this ground of rejection be withdrawn.

Claims 44-46 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rosenkrantz et al. (Rosenkrantz) in view of Hayes.

Reconsideration is requested.

The Rosenkrantz patent is only concerned with the use of a hardenable composition for coating wood, paper, plastic, metal or ceramic materials. There is no disclosure or suggestion that the coating composition is removed from the surface as set forth in step C) of amended claim 44 from which all of the claims depend. As noted above, Hayes is concerned with making a green body by mixing gluten with a ceramic that is sintered to make a highly porous body that is not a ceramic flooring material. Step C) of claim 44 is not suggested by either Rosenkrantz or Hayes as these patents do not suggest removing a hardened coloring layer on the surface without removing the hardened composition that penetrates the pores of said ceramic. For these reasons, it is requested that this ground of rejection be withdrawn.

Claims 44-46 were rejected under 35 U.S.C. §103(a) as being unpatentable over NL7706352A (NL'352) in view of Nettekoven.

Reconsideration is requested.

The Abstract of NL '352 discloses a process for protecting ceramic products which is based on the application of a coating of a synthetic resin which prevents the ingress of soiling matter. However, the coating is described as one that is readily removed with the soiling matter after the ceramic products have been put in place. Since the removal of the dirt and stains would result in the contemporaneous removal of the resin, it is apparent that the resin in NL '352 is not "hardened", as pointed out in claim 44, which would make the resin not removable. In addition, there is no

disclosure of the concept of applying color or the selective removal step as set forth in part C) of claim 44. Nettehoven mentions a pigmented coating that is used as an insulating coating which exhibits a wear indicating color as the insulating coating is eroded away or worn away. This reference mentions medical instruments as the substrates and it is not concerned with the coloring of porous ceramics used as flooring. When considered alone or in combination with NL'352, this reference does not make the subject matter of claims 44-46 obvious. For these reasons, it is requested that this ground of rejection be withdrawn.

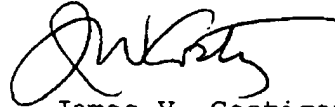
Claims 44-45 were rejected under 35 U.S.C. §103(a) as being unpatentable over Abernethy et al. (Abernethy) in view of Desobry or Rosenkrantz.

Reconsideration is requested.

Abernethy is concerned with a method of forming a pregrouted mosaic tile assembly where the assembly is treated with a sealant which seals the pores and reduces water absorption. The sealant which would have to be clear or it would destroy the mosaic, is dried and cured before the surface of the mosaic is buffed and polished as described in col. 3, lines 62-71. Claim 44 explicitly requires a colored material which is not made obvious by the concept of providing a coating on a mosaic tile assembly. Abernethy is silent as to any type of material removal and on its face Abernethy does not remove any part of the sealant using the procedure of step C) of claim 44. The buffing and polishing of Abernethy does not suggest the procedure of step C) of claim 44 which requires partial removal of the hardened material while leaving the colored hardened material in the pores. As noted above, both Desobry and Rosenkrantz teach the coating of various materials but are silent as to any selective removal of the coating while leaving the colored coating in the pores. For these reasons, it is requested that this ground of rejection be withdrawn.

An early and favorable action is earnestly solicited.

Respectfully submitted,



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